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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,253	03/24/2004	Kenji Hayashi	118942	4027

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EXAMINER

MENZ, DOUGLAS M

ART UNIT	PAPER NUMBER
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2891

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,253

Applicant(s)

HAYASHI, KENJI

Examiner

Douglas M. Menz

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All - b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ottermann et al. (US 2003/0193286) in view of Kubota et al. (US 6501014).

Regarding claim 24, Ottermann discloses an electro-optical device, comprising:

- a first electrode (13);
- an electro-optical layer (15);
- a second electrode (17);
- a gas barrier layer (7), each layer being laminated in sequence on a substrate (1,

Figs. 1-5 and (paragraph 0078).

Ottermann does not explicitly disclose an ultraviolet absorbing layer over the second electrode, however, Ottermann does explicitly disclose that layer 7 is at least one layer but may contain multiple layers for specific properties (paragraph 0027, 0039). Kubota discloses a coated article for use with EL displays, which incorporates a UV absorbing layer (Col. 2) in addition to a gas barrier. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a UV

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absorbing layer as taught by Kubota into the barrier structure of Ottermann's device for the purpose of preventing UV degradation as specifically taught by Kubota (Col. 7, lines: 20-30).

Regarding claim 25, Ottermann further discloses a protecting layer (25, Fig. 4A) is provided on the gas barrier layer.

Regarding claim 26, Ottermann further discloses a surface protecting layer (23, Fig. 4A) provided on the protecting layer.

Regarding claim 27, Ottermann further discloses an electronic apparatus, comprising: the electro-optical device according to claim 24 (paragraph 0002).

Response to Arguments

Applicant's arguments filed 5/23/06 have been fully considered but they are not persuasive.

First, Applicant argues that Kubato discloses only a protective coating, and not a layer that would be inserted internal to the Ottermann device and therefore, no motivation to modify the Ottermann device to include the UV-absorbing layer taught by Kubato. Examiner disagrees, Ottermann explicitly discloses that protection layer 7...7N may consist of multiple layers for protection which have different chemical compositions

(paragraph 0039). Kubato explicitly discloses a protective coating which may consist of multiple layers, one of which includes a UV-absorbing layer (Col. 2). Both Kubato and Ottermann dispose such stacked protective coating on the electro-optical device just as applicant does.

Second, Applicant argues that Ottermann does not teach or suggest that layer 7 has a UV-absorbing function and that layer 7 may have multiple layers with a vitreous structure so as to be a good barrier structure from, for example, gas. Ottermann discloses that a protective layer 7 may have multiple layers which do not only comprise glasses (paragraph 0015). Furthermore, Ottermann discloses that the protective layer may comprise a co-deposition of organic material to influence the layer properties in many ways (paragraph 0027). Kubato discloses organic materials as UV absorbers incorporated into Kubatos protective layer (Col. 8). Therefore, the Examiner maintains his position that a case for motivation to combine the teachings of Kubato with Ottermann has been made.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas M. Menz whose telephone number is 571-272-1877. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Baumeister can be reached on 571-272-1722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DM

 7/12/06